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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/092,488 06/05/98 JOHNSON

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INTELLECTUAL PROPERTY ADMINISTRATION
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EXAMINER

TUCKER, C

ART UNIT

PAPER NUMBER

2766

3

DATE MAILED: 09/12/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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Office Action Summary

Application No.

09/092,488

Applicant(s)

JOHNSON, TEDDY C.

Examiner

Christopher M. Tucker

Art Unit

2766

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☒ Responsive to communication(s) filed on 05 June 1998.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 June 1998 is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) _____.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 14) ☒ Notice of References Cited (PTO-892)
- 15) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 16) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 17) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 18) ☐ Notice of Informal Patent Application (PTO-152)
- 19) ☐ Other: _____.

Art Unit: 2766

DETAILED ACTION

Drawings

1. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.
2. The drawings are objected to under 37 CFR 1.83(a) because fig. 2 fails to show item number 60 as described in the specification at line 8 of page 13. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Correction is required.

Claim Objections

3. Claims 1, 8, and 11 objected to because of the following informalities: the phrase "hard link(ing)" is not clearly defined in the specification. The Examiner will assume the phrase is synonymous with the term "hardwired" where devices are physically connected using hardware such as a network connector board and cable. Appropriate correction is required.
4. Claims 1-7 and 11 are object to because they recite "An apparatus...comprising" which implies that each limitation is apart of said apparatus. The Examiner believes that Applicant is trying to claim a system and suggest the preamble be change to reflect that.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.
6. Claims 3-4 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non statutory subject matter. Claim 3 is a hybrid claim and is directed to neither a "process" nor a "machine," but rather embraces or overlaps two different statutory classes of invention set forth in 35

Art Unit: 2766

U.S.C. 101 which is drafted so as to set forth the statutory classes of invention in the alternative only. Id. at 1551. (See MPEP §2173.05(p)). Claim 4 is rejected by virtue of its dependency on claim 3.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 4 and 10 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The phrase "7-bit safe" is not described sufficiently in the specification.

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Independent claims 1, 8, and 11 all recite the limitation "high speed" which is indefinite.

11. Claims 3-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 is a hybrid claim reciting both apparatus and method limitations. Applicant is referred to MPEP §2173.05(p) which states

A single claim which claims both an apparatus and the method steps of using the apparatus is indefinite under 35 U.S.C. 112, second paragraph. In *Ex parte Lyell*, 17 USPQ2d 1548 (Bd. Pat. App. & Inter. 1990), a claim directed to an automatic transmission workstand and the method steps of using it was held to be ambiguous and properly rejected under 35 U.S.C. 112, second paragraph.

Art Unit: 2766

Such claims should also be rejected under 35 U.S.C. 101 based on the theory that the claim is directed to neither a "process" nor a "machine," but rather embraces or overlaps two different statutory classes of invention set forth in 35 U.S.C. 101 which is drafted so as to set forth the statutory classes of invention in the alternative only. *Id.* at 1551.

Claim 4 is rejected by virtue of its dependency to claim 3.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

13. Claims 1 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Cogger et al. (hereinafter, "Cogger") (U.S. 6,032,184).

Cogger discloses a system for transferring data to authorized users over the internet comprising a plurality of host machines for running a plurality of processes (figs. 1 & 4, items 30 & 40 and associated text), at least one secure communication link between the host machines (column 10, lines 34-57), a file storage system having a storeroom area and a customer account area with a hard linking capability there between (column 9, lines 3-18), a firewall with at least one secure host machine residing on the secured side of the firewall (fig. 1 & 4, items 16-17, 25(a)-(b), 30, & 40 and associated text), a customer account database located on the secure host machine and accessible by a secured communication link through the firewall (column 9, lines 3-18; column 10, lines 34-57).

Claim Rejections - 35 USC § 103

Art Unit: 2766

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claim 5 is rejected under 35 U.S.C. 102(e) as being unpatentable over Cogger et al. (U.S. 6,032,184) in view of Applicant's background.

Cogger does not disclose that the hard linking capability includes a change root command.

However, Applicant has admitted that this is a well-known Unix command (page 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Cogger to use such a command because the change root command limits a user's access to that particular directory level on the system.

16. Claims 7-8 are rejected under 35 U.S.C. 102(e) as being unpatentable over Cogger et al. (U.S. 6,032,184) as applied above and discussed below.

Cogger does not disclose the limitation wherein at least one host machine runs a web server process and at least one separate host machine runs an ftp server process, whereby a customer web browser contacts the host machines. However, web servers and ftp servers are well known in the art and the Examiner takes Official Notice of such. Likewise, a customer contacting either a web or ftp server is also well known in the art and the Examiner takes Official Notice of this too. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Cogger by incorporating the well-known teachings of the art because since web and ftp are different applications of the Internet, it would give customers greater application flexibility.

Allowable Subject Matter

Art Unit: 2766

17. Claims 2 and 6 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

18. Claims 2-4, 6, and 9-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

19. As per claim 2, the prior art of record does not disclose or motivate the limitation wherein the at least one secure communication link utilizes a protocol for the exchange of arbitrary sized packets of ascii data, delimited by carriage return and newline boundary markers in combination with the additional limitations of claim 1.

20. As per claims 3-4 and 9-10, the prior art of record does not disclose or motivate the limitation of finding the port number P used for the connection, computing a value $I = P \text{ modulo } N$, and using I as the index into the N keys and using the DES key residing at index I to encrypt and decrypt the data stream combination with the additional limitations of claims 1 and 8, respectively.

21. As per claim 6, the prior art of record does not disclose or motivate the limitation wherein the secure link through the firewall utilizes tobj protocol in combination with the additional limitations of claim 1.

Conclusion

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Tucker whose telephone number is 703 306 5539. The examiner can normally be reached on M-F between the hours of 8:30 and 4:30 with alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gail O. Hayes can be reached on 703 305 9711. The fax phone numbers for the organization where this

Art Unit: 2766

application or proceeding is assigned are 703 305 0040 for regular communications and 703 305 0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305 3900.

CMT

CMT

September 10, 2000


GAIL O. HAYES
SUPERVISORY PATENT EXAMINER
GROUP 2700